

**United States District Court
Northern District of New York**

JUDGMENT

JOESPH FRANK FORMICA

Plaintiff

VS.

5:05-CV-1017 (DEP)

COMMISSIONER OF SOCIAL SECURITY

Defendant

[X] Decision by Court. This action came to trial or hearing before the Court.
The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

That the plaintiff's motion for judgment on the pleadings is granted, the Commissioner's determination of no disability is vacated, and the matter is remanded to the agency for further consideration pursuant to sentence four of 42 USC section 405(g).

All of the above pursuant to the Order of the Honorable Magistrate Judge David E. Peebles dated the 6th day of September, 2007.

SEPTEMBER 7, 2007

DATE

LAWRENCE K. BAERMAN

CLERK OF COURT

s/

**JOANNE BLESKOSKI
DEPUTY CLERK**